



WELCOME TO A TWO-DAY CONFERENCE

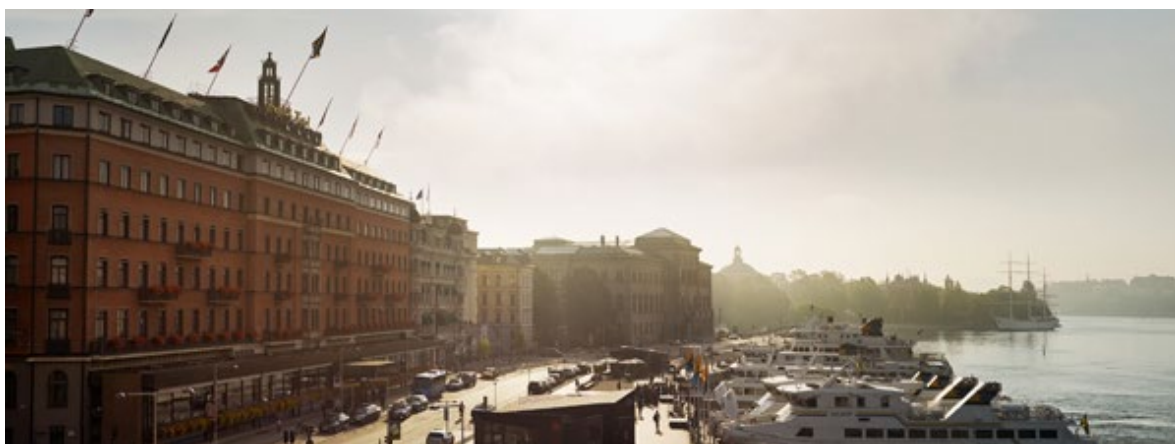
# SWEDISH ARBITRATION DAYS

1-2 SEPTEMBER 2022  
GRAND HÔTEL, STOCKHOLM  
THEME: INTEGRITY IN  
INTERNATIONAL ARBITRATION

# SWEDISH ARBITRATION DAYS

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1–2 September 2022 | Grand Hôtel | Stockholm



## INTEGRITY IN INTERNATIONAL ARBITRATION

Integrity is often considered a cornerstone of the legal procedure and the importance of upholding minimum ethical standards to maintain the integrity of arbitral proceedings is a widely recognized concept in international arbitration. However, in a given situation, striking an adequate balance between measures to safeguard procedural integrity on the one hand, and other fundamental interests, such as party autonomy and business efficiency, on the other, can often give rise to intricate issues. Add to this the fact that the perception of what integrity is and what the governing minimum ethical standards are is seldom deemed as universal.

This time, the Swedish Arbitration Days will delve deep into the many issues associated with Integrity in International Arbitration. Panels comprising of some of the world's most prominent legal practitioners will discuss the topic of integrity from different angles, all relevant to the practice of international arbitration. What defines integrity within arbitral proceedings and whose responsibility is it to make sure integrity is being maintained? Is there such a thing as fully independent arbitrators and is it possible to remain impartial throughout all stages of the proceedings? What does it mean to "go the extra mile for the client" and how is zealous advocacy balanced against integrity? These questions and many more will be discussed and answered during the 2022 Swedish Arbitration Days.

We look forward to seeing you in Stockholm!

### Organizing Committee

*Kristoffer Löf, Ginta Ahrel, Ramūnas Audzevičius, Sandra Kaznova, Emilia Lundberg, Anke Meier, Andrea Menaker, Isabelle Michou, Mattias Rosengren, Shirin Saif and Anna-Maria Tamminen*

All registrations and payment of the conference fee should be made online on the [Swedish Arbitration Association's website](#)



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# CONFERENCE PROGRAM

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## THURSDAY 1 September 2022

08:30–09:00 Registration

09:00–09:15 **Opening of conference**

**Kristoffer Löf**, President of the Swedish Arbitration Association and Partner at Mannheimer Swartling (Sweden) and **Johan Sidklev**, former President of the Swedish Arbitration Association and Partner at Roschier (Sweden)

09:15–09:45 **Keynote address**

**Catherine A. Rogers**, Professor of Law, Bocconi University (Italy), Chair of Ethics, Regulation & The Rule of Law at the Center for Commercial Law Studies, Queen Mary University of London, Founder of Arbitrator Intelligence (USA)

09:45–11:00 **Session 1 – Going the extra mile for the client – balancing advocacy and integrity**

Moderator: **Anna-Maria Tamminen**, Partner, Hannes Snellman (Finland and Sweden)

Panelists: **Johan Strömbäck**, Partner, Setterwalls (Sweden)  
**Klaus-Peter Berger**, Professor, University of Cologne (Germany)  
**Petra Kiurunen**, Partner, Lindfors & Co, Chairman, Finland Arbitration Institute (Finland)  
**Robin Oldenstam**, Partner, Mannheimer Swartling (Sweden)

Arbitration is always a compromise between different interests – the interests of the users of arbitration in exercising their right to be heard while having the dispute resolved in a fair and relatively speedy manner, the interest of arbitrators in moving the arbitral proceedings along to an award (and getting paid) while protecting the resulting award from procedural attacks, as well as the overall interests of users, institutes, counsel and arbitrators in upholding the integrity of arbitration in order for arbitration to remain a viable dispute resolution option.

This panel will discuss how to strike a fair balance between these interests, including topics such as when to call out due process paranoia and what considerations to take into account when responding to such allegations, as well as how to ensure the integrity of the process in a changing world.

11:00–11:30 Break



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11:30–12:45

## Session 2 – Integrity issues in investment treaty arbitrations

Moderator: **John Fellas**, Arbitrator, Fellas Arbitration and Adjunct Professor, New York University School of Law (USA)

Panelists: **Bart Legum**, Partner, Honlet Legum Arbitration (France)  
**Crina Baltag**, Associate Professor, Stockholm University (Sweden)  
**Nicholas Peacock**, Partner, Bird & Bird (United Kingdom/India)  
**Shirin Saif**, Partner, Roschier (Sweden)

When it comes to the concept of integrity, investment treaty arbitration raises distinctive issues that do not typically arise in commercial arbitration. The public interest issues often at stake in investment treaty arbitrations, the private nature of the process, the public and semi-precedential nature of investment treaty awards, the binary nature of the outcome, i.e. either for the host state or for the foreign investor, and the fact that the outcome often turns on the interpretation of similar language in different investment treaties raises a host of issues.

One is the problem of double-hatting: arbitrators in investment treaty arbitrations also acting as counsel in a separate case raising a similar issue to that raised in the arbitration. Another is the problem of systematic bias, with arbitrators earning a reputation for deciding on one-side or another of a dispute (i.e. for the investor or for the state). Another relates to legitimacy, whether the legitimacy of the process is undermined by the private nature of the resolution of disputes about issues that address the public interest of the host state. This panel will discuss these various problems and their potential solutions.

12:45–14:00

Lunch

14:00–15:15

## Session 3 – Transparency v. Confidentiality

Moderator: **Sandra Kaznova**, Partner, Hammarskiöld (Sweden)

Panelists: **Eva Kalnina**, Arbitrator, Arbitrator Chambers Hong Kong, London and New York (United Kingdom)  
**Hjordis Birna Hjartardottir**, Counsel, ICC International Court of Arbitration (France)  
**Mattias Rosengren**, Partner, Vinge (Sweden)  
**Paula Hodges QC**, President of the London Court of International Arbitration (LCIA) (United Kingdom)

Starting from decision-making “in a black box”, international commercial arbitration has in recent years developed towards greater transparency. It has been argued that transparency can make arbitration more reliable and predictable, enhance consistency, as well as facilitate the selection and evaluation of arbitrators. At the same time, the confidential nature of arbitration arguably remains one of the main reasons why parties choose arbitration.

Is there a need for increased transparency in arbitration, and, if so, does that need outweigh the potential risk of deterring parties from choosing arbitration? If there is a case for increased transparency; how can that best be achieved? Should the legislators or arbitration institutes drive the changes or is voluntary disclosure the way to go? These issues and many more will be discussed by the panel.

15:15–15:45

Break



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15:45–17:00

#### Session 4 – Corruption in Arbitration

Moderator: **Ginta Ahrel**, Partner, Westerberg (Sweden)  
Panelists: **Dag Mjaaland**, Partner, Wikborg Rein (Norway)  
**Karl Hennessee**, Deputy GC, SVP Litigation, Investigation & Regulatory Affairs, Airbus (France)  
**Niels Schiersing**, Arbitrator, Arbitrator Chambers Hong Kong & London (Denmark)  
**Olena Perepelynska**, Partner, Integrites (Ukraine)

Corruption is today one of the greatest challenges facing international commerce and has serious negative effects on markets, efficiency and public welfare. Arbitrators in both commercial and investment treaty arbitrations face corruption issues with increasing frequency and play an important role in developing responses to cases raising corruption issues. The problem of corruption is now universally viewed as part of international public policy. Tribunals face many issues such as questions of jurisdiction, admissibility as well as standards of proof.

This panel will discuss corruption in the context of international arbitration and how that might affect the parties and arbitrators. The panel will discuss issues such as the arbitrator's rights and duties to investigate and report corruption (red flags?), applicable laws and the burden and standard of proof for allegations of corruption and the legal consequences of corruption in arbitration and in judicial scrutiny after the award has been rendered.

17:00–18:30

Reception at the Grand Hôtel

18:30–

Dinner at the Grand Hôtel and entertainment by Loreen

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#### FRIDAY 2 September 2022

09:00–09:30

#### Opening of day two

**Tatyana Slipachuk**, Special Advisor at Sayenko Kharenko (Ukraine) and **Fredrik Ringquist**, Partner at Mannheimer Swartling (Sweden)

09:30–10:45

#### Session 5 – Who is responsible for maintaining integrity in arbitration?

Moderator: **Emilia Lundberg**, Partner, Lundberg & Gleiss (Sweden)  
Panelists: **Deva Villanúa**, Arbitrator, Armesto & Asociados (Spain)  
**Jan K. Schäfer**, Partner, King & Spalding (Germany)  
**Kristin Campbell-Wilson**, Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC) (Sweden)  
**Patrik Schöldström**, Judge at the Svea Court of Appeal, Associate Professor (Sweden)

Attempts to undermine the integrity of an arbitration can come from all directions. Arbitrators may be guided or influenced by motives not controlled or sanctioned by the parties. A party itself or its counsel may try to obstruct or undermine the fairness of the proceedings, to achieve procedural benefits with dishonest means, or use the arbitration for ulterior purposes. Also, non-parties, acting from outside the proceedings (including courts), may try to influence and impinge on the proceedings.



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Under arbitral rules, the actors of an arbitration all have a duty to protect and to maintain the integrity of the arbitration and to uphold and enforce the ethical standards. But what tools do they have, and where do you turn if one actor does not deliver on its duties? In this panel, these questions will be addressed from four different perspectives: that of counsel, arbitrators, arbitral institutions, and the judiciary, respectively.

10:45–11:15

Break

11:15–12:30

**Session 6 – Independence and impartiality of arbitrators – does such thing even exist and do the current guidelines set the bar at an appropriate level?**

Moderator: **Isabelle Michou**, Partner, Quinn Emanuel Urquhart & Sullivan (France)

Panelists: **Christer Danielsson**, Independent Arbitrator (Sweden)  
**Gisela Knuts**, Independent Arbitrator (Finland)  
**Philippa Charles**, Partner, Stewarts (United Kingdom)  
**Philippe Cavalieros**, Partner, Simmons & Simmons (France)

Much time and effort have been spent on “hard” and “soft” law on arbitrators' independency and impartiality, but is this enough? Repeat appointments are standard and we often see the same names appearing in the same kinds of disputes on recurrent occasions. Can the system for ensuring the independency and impartiality of arbitrators be trusted or should we do something different? Is this the time when we turn to appointing authorities for all cases, should we entrust a robot with this delicate task or should we simply revise the current guidelines? This panel will discuss one of the corner stones of international arbitration; independence and impartiality of arbitrators.

12:30–

**Closing remarks**

**Kristoffer Löf**, President of the Swedish Arbitration Association and Partner at Mannheimer Swartling (Sweden)

## REGISTRATION AND CONFERENCE FEE

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Registration and payment of the conference fee (SEK 8,000, approx. EUR 800) is made [here](#). The registration is open until 2 August 2022, but may be closed earlier should the conference be sold out.

For academics and state employees, a 50% reduction applies to the above price. If you qualify for this reduced fee, please click [here](#) to register.

The registration fee includes attendance at the conference at the Grand Hôtel, documentation, refreshments during breaks, lunch on the first day of the conference, the reception and dinner on the first day of the conference, participation in related events (listed below), as well as a one-year SAA membership.

Note that your registration will be confirmed only after the conference fee has been paid.



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## COVID-19

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Currently, there are no restrictions in Sweden due to covid-19. As organizers of a large event, we closely monitor the official communication from Swedish and international authorities regarding the covid-19 situation. The event will be held in accordance with the then applicable recommendations from the Swedish Health Authority and we will take necessary safety measures to ensure that every visitor will feel safe.

We reserve the right to cancel the event due to covid-19.

## ACCOMMODATION

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Accommodation is not included in the conference fee. Participants are asked to make their own hotel arrangements. The following hotels, all of which are located within short walking distance from the conference venue at the Grand Hôtel, offer discounted rates for the participants of the Swedish Arbitration Days 2022 when reservations are made in accordance with the instructions below.

### **Grand Hôtel \*\*\*\*\***

**Address:** Södra Blasieholmshamnen 8, 103 27 Stockholm

**Bookings:** Discounted rates offered for online reservations made [here](#) (subject to availability).

### **Lydmar Hotel \*\*\*\*\***

**Address:** Södra Blasieholmshamnen 2, 103 24 Stockholm

**Bookings:** Discounted rates offered for reservations made via e-mail to [cecilia.bjorklund@lydmar.com](mailto:cecilia.bjorklund@lydmar.com) (subject to availability).

### **Bank Hotel \*\*\*\*\***

**Address:** Arsenalsgatan 6, 111 47 Stockholm

**Bookings:** Discounted rates offered for reservations made [here](#) with the booking code "ArbitrationDays" (subject to availability).

### **Scandic Hotel Anglais \*\*\*\***

**Address:** Humlegårdsgatan 23, 102 44 Stockholm

**Bookings:** Discounted rates offered for reservations made [here](#) with the booking code "PRO10SE" (subject to availability).



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## RELATED EVENTS

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All conference participants are warmly welcome to register for the following free-of-charge events organized in connection with the Swedish Arbitration Days 2022.

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### 31 August 2022 – Westerberg's Pre-Conference Debate Hosted with SCC

**Topic:** Economic Sanctions and International Arbitration

Eight years into EU sanctions regime and with a new wave of sanctions imposed in 2022, what is the impact on international arbitration? During this event we will discuss the sanctions regime from various aspects – the SCC's approach to administering disputes involving sanctioned entities, sanctions as claims or defenses and impact on arbitral tribunals' work.

**Speakers:** Natalia Petrik (legal counsel at the SCC), Maria Fogdestam Agius (partner at Westerberg) and Jesper Tiberg (partner at Westerberg).  
**Time:** 15:00–16:30 followed by mingle and snacks, 31 August 2022.  
**Place:** Westerberg & Partners, Kungsgatan 18/Regeringsgatan 66, Stockholm. The event will also be available online.  
**Registrations:** Please register [here](#) no later than 24 August 2022. Please state if you will attend in person or online.  
**Contact:** If you have any questions, please contact Ginta Ahrel at [ginta.ahrel@westerberg.com](mailto:ginta.ahrel@westerberg.com).

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### 31 August 2022 – Young Practitioners Event – the Coffee House Debate

Young Arbitrators Sweden (YAS) et al. welcome you to a Coffee House Debate, where panelists will debate a topic with preassigned positions, aiming to entice a thought-provoking and energetic discussion. The debate will be followed by a cocktail reception.

**Time:** 18:00–21:00, 31 August 2022.  
**Place:** SIHC Posthuset, Vasagatan 28, Stockholm.  
**Registrations:** Participants are asked to register their attendance [here](#) no later than 15 August 2022.  
**Contact:** If you have any questions, please contact [yas@youngarbitrators.se](mailto:yas@youngarbitrators.se).

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### 2 September 2022 – Luncheon at Mannheimer Swartling

After the close of the conference program, Mannheimer Swartling welcomes all participants to its offices to enjoy lunch and drinks overlooking the rooftops of Stockholm and discuss the key takeaways from the conference.

**Time:** 12:30–15:00, 2 September 2022.  
**Place:** Mannheimer Swartling, Norrlandsgatan 21, Stockholm.  
**Registrations:** Participants are asked to register their attendance [here](#) no later than 25 August 2022.  
**Contact:** If you have any questions, please contact Karin Yngström at [karin.yngstrom@msa.se](mailto:karin.yngstrom@msa.se) or +46 8 5950 6130.



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## 2 September 2022 – Business Mingle at Vinge

Following the Swedish Arbitration Days, we are pleased to invite you to Vinge's new offices for a glass or two with friends and colleagues from around the world. We'll open up our cosy terrace for drinks and canapés — others may be more tempted by a Californian wine-tour with Vinge's head chef/sommelier, Zvonko Sokcic.

**Time:** 15:00–, 2 September 2022.

**Place:** Vinge, Smålandsgatan 20, Stockholm.

**Registrations:** Participants are asked to register their attendance [here](#) no later than 25 August 2022.

**Contact:** If you have any questions, please contact Pernilla Johansson Brolin at [pernilla.johanssonbrolin@vinge.se](mailto:pernilla.johanssonbrolin@vinge.se) or + 46 (0) 10 614 34 41.



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